

Memorial it gives me much pride to represent the citizens of Oregon, Ohio in this great House. They and the nation will never forget the sacrifice of the millions of men and women who gave their lives to freedom in the victory over tyranny that defined world history for the 20th century.

Our community extends warm appreciation to the citizens of Oregon, Ohio as they rededicate the Clay Memorial Stadium.

IN HONOR OF PAT PEACOCK

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to Pat Peacock, a lady who means a lot to my family and the community she lives in. Ms. Peacock is from Stuttgart, AR, the "Duck and Rice Capital of the World." It is partly because of Ms. Peacock and her ambassadorial role that Stuttgart and the Grand Prairie are known far and wide as the only place to be, for a least a few days, during duck hunting season. She has worked tirelessly to promote her community and Stuttgart has reaped the rewards of all her hard work.

Ms. Peacock was instilled with a sense of service to others. Her love of the outdoors and appreciation for the need to preserve the precious heritage where she grew up, has defined her lifetime involvement to conservation and wildlife organizations. She has given countless hours to ensure that our children will inherit and appreciate what our generation has been privileged to enjoy. Her many awards include: Arkansas Conservationist of the Year, inducted into the Arkansas Outdoor Hall of Fame, member of the Game and Fish Commission, Outstanding Volunteer of the Year for Arkansas and Women's Champion Duck Caller.

Pat Peacock for many years owned and operated a small business in Stuttgart called Majestic Inc. She began as a salesperson while in high school. From that time, Ms. Peacock helped build the business into one with a fine reputation throughout the state. The competition from chain department stores in nearby cities and discount stores that hurt Main Street were tough on her small business but Pat worked hard and fine tuned her business successfully.

Pat has turned another page now. She has moved on to new challenges and opportunities. I wish her well and want to express my thanks for what she has done for the community of Stuttgart, Arkansas and Arkansas County.

RECOGNIZING THE WORK OF THE AIR LAND EMERGENCY RE- SOURCE TEAM

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to bring to the Congress' attention the work of 17 young men who served the people of Russia from March 3–April 14, 1998,

by remodeling an orphanage in Moscow to improve the living conditions. These young men paid their own way and learned the lessons sacrifice, hard work and commitment to their fellow man. You know the Bible says, "Whatever you did for one of the least of these brothers of mine, you did for me." These young men should be commended for their willingness to serve others: Daniel Falkenstine, Texas; David Franzen, Wisconsin; Peter Franzen, Wisconsin; Rob Gray, Indiana; Nathan Hoggatt Texas; David Kress, Alabama; John Munsell, Ohio; Robert Nicolato, Ohio; John Nix, Michigan; Steve Nix, Michigan; Timothy Petersen, Georgia; Todd Teepell, Louisiana; Joshua Thomas, Oregon; Neil Waters, Texas; Jared Wickam, Illinois; and Amadi Williams, California.

Mr. Speaker, I would like to bring to the attention of this Congress, 56 men who gave of themselves to help the people of Omaha, Nebraska in the wake of the snow disaster which hit this city in the late fall of 1997. These men traveled many miles at their own expense to assist the citizens in removing debris and fallen trees. These men are to be commended for their sacrifice, dedication and commitment to those in need: Jonathan Bendickson, British Columbia; Brian Biddle, Ohio; William Bradford, Arizona; Jacory Brady, Colorado; Jesse Brown, Venezuela; Trevor Cangelosi, Louisiana; Jonathan Carlisle, Missouri; Daniel Chapman, Michigan; Patrick Chapman, Michigan; Thomas Chapman, Michigan; James Connelly, California; Stephen Copu, Illinois; Jason Dandurand, Washington; Steve Dankers, Wisconsin; Brendon Dees, Missouri; Richard Dizney, Washington; Daniel Falkenstine, Texas; Stever Farrand, Colorado; Bret Fogel, Ohio; Ronald Fuhrman, Michigan; Robert Gray, Indiana; David Hansen, Oregon; Ben Hardbuck, Texas; David Hens, Nebraska; Daniel Hess, Nebraska; Nathan Hoggatt, Texas; Joshua Horvath, Texas; and Geary Howell, Mississippi.

Joshua Irving, Texas; Aaron Jongsma, Ontario; Nathan Jongsma, Ontario; Caleb Kaspar, Oregon; Justin King, Michigan; Jason Kingston, Texas; Robert Matlack III, Mississippi; Jay Miller, Nebraska; Samuel Mills, Texas; Bill Moore, Texas; Benjamin Moore, Iowa; Marc Moore, Iowa; Nathanael Nazario, Puerto Rico; Robert Nicolato, Ohio; Aaron Pennington, Nebraska; Nathan Pennington, Nebraska; Jason Raymond, Mississippi; Vladimir Robles, Dominican Republic; Eric Rozeboom, Michigan; Jason Ruggles, Michigan; Jeremy Savage, Washington; Jonathan Schultz, Mississippi; Chad Sikora, Michigan; Daniel Storm, Nebraska; John Tanner, Michigan; Todd Teepell, Louisiana; Neil Waters, Texas; and Patrick Walsh, Florida.

Mr. Speaker, I would like to recognize 15 men who gave their time and talent from January 14–March 7, 1998, to assist the citizens of La Luz, Oaxaca, Mexico in cleaning up debris and repairing roads washed out in the wake of a hurricane that thrashed this city in the early months of 1998. The Mayor of San Pedro Tututepec, Oaxaca invited these men to promote hope, good will and charity between the United States and Mexico. They should be commended for their sacrifice and commitment to serve their fellow man in a time of great need: Samuel Dandurand, Washington; Daniel Davis, California; Paul Elliott, Wyoming; Caleb Kaspar, Oregon; Matthew Lindquist, Michigan; Jason Luksa, Texas; Ben Mirecki,

Ontario; Keon Pendergast, California; Matthew Pierce, Mississippi; Isaac Reichardt, Michigan; Greg Rozeboom, Michigan; David Thomas, Texas; Patrick Walsh, Florida; Daniel Weed, New York; and Jesse Young, Arkansas.

Mr. Speaker, I want to commend 147 men who spend nearly a month in the city of Birmingham, Alabama last spring to help clear debris and remove trees uprooted by a tornado. Working under the direction of the Rock Creek County Emergency Management Agency, these men gave their time and talent, from April 10–May 13, 1998, to help those in need. I believe that at a time when so many in our society put themselves first, these men sacrificed for others and in the process learned valuable lessons about hard work and dedication: Jeffrey Achenbach, Tennessee; Samuel Alexander, California; Joseph Amis, Indiana; Chad Anderson, California; Aaron Berg, Ontario; Nathan Beskow, Oregon; Daniel Boyd, Texas; Caleb Boyette, Florida; Jacob Braddy, Arizona; Jacory Brady, Colorado; Ryan Breese, Illinois; Daniel Buhler, California; Jason Butler, Alabama; Rodian Cabeza, New York; Daniel Chiew, Singapore; Aaron Childress, Arkansas; Frederick Cohrs, Washington; Abram Daher, Washington; Jason Dandurand, Washington; Samuel Dandurand, Washington; Daniel Davies, Indiana; Jeremy Davis, New Jersey; Brendon Dees, Missouri; Jonathan De Haan, Kentucky; Brady Dougan, Arkansas; Benjamin Downey, Colorado; Nathan Downey, Colorado; Randolph Doyer, Texas; Reuben Dozeman, Michigan; Olof Ekstrom, Oregon; Jonathan Elam, Indiana; Paul Elliott, Wyoming; Paul Ellis, Mississippi; and Micah Emmons, Montana.

Andrew Farley, California; Gilbert Fernandez, California; David Fishback, Ontario; Scott Forrester, Tennessee; James Frasure, Ohio; Jeremy Fugleberg, North Dakota; Ronald Fuhrman, Michigan; Jhareme Fuller, Michigan; Joel George, Colorado; Elvio Gross, New York; Michael Hadden, Georgia; James Harry, Michigan; Matthew Harry, Michigan; Zechariah Hamilton, Florida; Adam Hawkins, Arizona; Scott Hayes, New York; David Hens, Ohio; William Hicks, California; Mario Huber, Pennsylvania; Jordan Jaeger, Iowa; Jeremy Jansen, Kansas; Andres Johansson, Washington; Joshua Johnson, Washington; Michael Jones, Texas; Aaron Jongsma, Ontario; Nathan Jordan, Louisiana; Kevin Kelleher, Alabama; Clayton Kelleher, Alabama; Michael Kelleher, Alabama; Lindsay Kimbrough, Illinois; Jason Kingston, Texas; Joshua Knaak, Alberta; Richard Knight, Michigan; James Kimball, North Carolina; Luke Kujacznski, Michigan; Jeremy Kuvik, New York; Joshua Lachmann, Indiana; Aaron Larid, Texas; Daniel Lamb, California; Dustin Ledden, New York; Jesse Long, Washington; Lucas Long, Washington; and Brandon Loverde, New York.

James Lovett, Washington; Jason Luksa, Texas; Joshua McDonald, Florida; James Marsh, North Carolina; Paul Matthewson, Washington; Kirk McCutcheon, California; Charles Mead, Arizona; Christopher Millard, New York; Timothy Mirecki, Ontario; Jason Monnin, Florida; Timothy Moye, Georgia; Nathan Nazario, Washington; Barry Newsom, Alabama; Jonathan Newsom, Alabama; Patrick O'Brien, California; Jonah Offtermatt, Texas; Jeffrey Ogren, Alabama; Jason Orcutt, Alabama; Stephen Parrish, Tennessee; Sean Pelletier, Virginia; James Penner, Ohio; Jason

Raymond, Mississippi; Daniel Reynolds, Minnesota; Elisha Robinson, Pennsylvania; Joshua Robinson, Arizona; Vladimir Robles, Dominican Republic; Eric Rozeboom, Michigan; Benjamin Rupport, Oregon; Jonathan Russell, California; Joshua Rutledge, California; Jeremy Sandlin, Alabama; Sean Sangree, Pennsylvania; Daniel Schroeder, Arkansas; Jonathan Schultz, Mississippi; Jonathan Scott, California; Matthew Sellers, Philippines; Brock Shinkle, Kansas; Keith Showalter, Ohio; Paul Southall, Ohio; Scott Stephens, Texas; Kevin Stickler, North Carolina; Benjamin Stixrud, Washington; and Jesse Scroggins, Alabama.

Will Scroggins, Alabama; Christopher Sullivan, Minnesota; Joshua Svenhard, California; Nathanael Swanson, New Brunswick; Justin Swartz, California; John Tanner, Michigan; Ryan Thomas, Alabama; John Thornton, Tennessee; William Tucker, Alabama; David Tucker, Alabama; Jefferson Turner, Georgia; Andrew Van Essen, Ontario; James Volling, Ontario; Jeffrey Wall, California; Daniel Weathers, Washington; Jonathan Wharton, Texas; Shane White, Kentucky; Nathan Williams, Kentucky; David Wilson, Alabama; Samuel Wilson, Alabama; Thomas Wood, Washington; John Worden, California; John Yarger, Colorado; Jesse Young, Arkansas; Joshua Young, California; and Tesley Zehner, Wyoming.

Mr. Speaker, I want to pay recognition to 39 young men who traveled to Nashville, Tennessee to clear fallen trees and debris in the wake of a tornado which hit the city in May, 1998. These men gave their time and talent, from May 14–22, 1998, to provide relief for families and the community. One area hit hard by the tornado included President Andrew Jackson's historical Heritage home. These men made the sacrifice to serve others: Jeff Achenbach, Tennessee; Chad Anderson, California; Jacob Braddy, Arizona; Jacory Brady, Colorado; Daniel Buhler, California; Rodian Cabeza, New York; Aaron Childress, Arkansas; Abram Daher, California; Daniel Davies, Indiana; Jonathan De Haan, Kentucky; Randolph Doyer, Texas; Andrew Farley, California; Joseph Farley, California; Gilbert Fernandez, California; Elvio Gross, New York; Zehariah Hamilton, Florida; Adam Hawkins, Arizona; Joshua Johnson, Washington; Michael Jones, Texas; Nathan Jordan, Louisiana; Lindsay Kimbrough, Illinois; Joshua Knaak, Alberta; Jeremy Kuvik, New York; Aaron Laird, Texas; James Marsh, North Carolina; Paul Mathewson, Washington; Charles Mead, Arizona; Jason Monnin, Florida; Jonah Offermatt, Texas; Vladimir Robles, Dominican Republic; Eric Rozeboom, Michigan; Daniel Schroeder, Mississippi; Brock Shinkle, Kansas; Paul Southall, California; John Tanner, Michigan; John Thornton, Tennessee; Andrew Van Essen, Swaziland; John Yarger, Colorado; and Tesley Zehner, Wyoming.

THE "YEAR 2000 INFORMATION
AND READINESS DISCLOSURE
ACT"

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. HYDE. Mr. Speaker, the Year 2000 Information and Readiness Disclosure Act (S. 2392) is intended to promote the voluntary

sharing of information needed to discover, avoid, or fix problems with year 2000 calculations in our nation's software, computers, and technology products. In all civil litigation including certain antitrust actions, the Act limits the extent to which year 2000 statements can be the basis for liability and it prevents certain evidentiary uses, against the maker, if a subset of such statements. However, the Act ensures that only responsible, good faith information-sharing gets such protection.

In particular, the Act protects good faith sharing of two kinds of year 2000 information: a board category called "year 2000 statements," and a narrower subcategory called "year 2000 readiness disclosures." Year 2000 statements and readiness disclosures can include any year 2000 related subject matter, but year 2000 readiness disclosures must be in writing, be clearly labeled, and concern one's own products or services. Certain already-existing year 2000 statements may be designated as year 2000 readiness disclosures and receive the protections applicable to year 2000 readiness disclosures under the Act. The protections given to year 2000 statements and readiness disclosures protect all those who help in any way to make a year 2000 statement or readiness disclosure, so a broad group of individuals and entities are protected.

The Act encourages the use of the Internet to provide notice of all matters relating to year 2000 processing. In addition, the Act protects against disclosure and use in civil actions year 2000 information voluntarily provided to the government under a "special data gathering request." Finally, the Act creates a temporary exemption to the antitrust laws for sharing of year 2000 information, unless it results in an actual agreement to boycott, allocate markets, or fix prices.

The Act does not create new causes of action or expand any existing causes of action, nor does it create new obligations or duties. The Act does not create any duty to provide notice about a year 2000 processing problem. The intent of this legislation is to promote sharing of year 2000 information. This would be frustrated if any year 2000 statement were the sole basis for any finding of liability on the part of the maker. Furthermore, it is not the intent of this legislation to hold the maker of a year 2000 readiness disclosure liable for the adequacy or sufficiency of its disclosure where such disclosure is not otherwise required by law or contract. The Act also does not affect existing contracts, tariffs, intellectual property rights or consumer protections applicable to solicitations or offers to sell consumer products.

The Act's protections are limited. The Act does not change or address in any way liability for a year 2000 processing failure; does not change or reduce any underlying duty, standard of care or liability for a year 2000 failure; does not apply to certain consumer transactions; does not prevent any underlying facts regarding a failure being demonstrated in court; does not prevent any governmental entity from requiring the disclosure of any information; and does not preclude any claim to the extent it is not based on a year 2000 statement.

The Act prevents the use as evidence against the maker of only a narrow range of year 2000 statements—year 2000 readiness disclosures—to prove the truth of the disclo-

sure. They can, however, be put into evidence to demonstrate matters other than their truth. Further, year 2000 readiness disclosures can be used to in contract litigation as part of the evidence necessary to show anticipatory breach, repudiation, or similar actions, although they should not be the sole evidence supporting liability. A judge can limit (but not totally abrogate) this protection in order to prevent an abusive or bad-faith use of the disclosure contrary to the purposes of the Act.

Year 2000 statements other than year 2000 readiness disclosures can be brought into evidence for any purpose. However, they may not be the basis for any finding of liability against the maker, except where the maker knew the statement was false, made it with intent to deceive, or made it with reckless disregard as to its truth or falsity.

In cases of alleged trade defamation, product disparagement, and the like, year 2000 statements generally can be the basis of liability only if the maker knew the statement was wrong or was reckless about the statement's truth or falsity.

Internet website notice is generally deemed adequate. Important exceptions exist, however, and Internet website notice alone is not deemed adequate in cases of personal injury or serious property damage. In specified circumstances, in order to obtain the benefits of the Act, sellers, manufacturers, or providers of year 2000 remediation products or services must inform their customers about the effects of this Act during the course of solicitations or offers to sell.

For purpose of actions brought under the securities laws, year 2000 statements contained in filings with the Securities and Exchange Commission or Federal banking regulators and disclosures or writings that, when made, accompanied the solicitation of an offer or sale of securities are not covered by the Act.

The following section-by-section analysis illustrates important details of the Act.

Section 1, Short Title. This section entitles the Act the "Year 2000 Information and Readiness Disclosure Act".

Section 2, Findings and Purposes. This section lays out the findings underlying the bill and the board purposes the bill is intended to serve.

Potentially millions of pieces of technology can not recognize certain dates around the year 2000. Because year 2000 processing problems could incapacitate government, commerce, and utilities, correcting the year 2000 problem is a matter of national and global interest.

Prompt, candid, and thorough disclosure and exchange of information about year 2000 readiness would enhance year 2000 readiness. Concern about liability is impeding the sharing of such information. Uniform legal standards regarding year 2000 information are in the national interest.

Enacted under the Commerce Clause power, this Act's purpose is to promote disclosure and exchange of year 2000 information by establishing uniform legal principles.

Section 3, Definitions. This section defines various terms.

The term "antitrust laws" means section (a)(1) of the Clayton Act (15 U.S.C. §12(a)) and section 5 of the Federal Trade Commission Act (15 U.S.C. §45), to the extent that section applies to unfair competition, and similar State law.

The term "consumer" means an individual who acquires a consumer product for purposes other than resale.